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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/263,311	03/08/1999	JOHN J. KORMAN		1666

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EXAMINER

SINGH, RAMNANDAN P

ART UNIT PAPER NUMBER

2644

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/263,311

**Applicant(s)**

KORMAN ET AL.

**Examiner**

Ramnandan Singh

**Art Unit**

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed on Nov. 12, 2004 have been fully considered but they are not persuasive.

(i) Applicant's argument—"During normal operation of the system, at least one set of the normally-closed contacts are held open by insulating plugs" on page 13.

Examiner's response---The APA states that , depending on applications, such as testing and diagnostic, one or more of these contacts may be opened, for example, by introducing an insulating plug between the electrical conductors of a contact [Applicant's specification : page 2, lines 13-22]. Hence it follows that one of ordinary skill in the art may insert these insulating plugs to disable any one of multiple service providers as desired.

(ii) Applicant's Argument--- "The Examiner's position can only be based on the inappropriate application of hindsight in light of the Applicant's disclosure. The teaching or suggestion to make the claimed invention must be found in the prior art and not based on applicant's disclosure" on page 13.

Examiner's response--- In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed

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invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

(iii) Applicant's argument--- Further, the Examiner has not identified any suggestion in the prior art to modify the single connection terminal block APA into a multiple connection terminal block as in the pending claims " on page 13.

Examiner's response--- The Examiner disagreed. The Applicant is directed to Paragraph 6 on page 5 of the non-final Office action, dated Aug. 9, 2004, wherein transforming a single connection terminal block APA into a multiple connection terminal block is within one of ordinary skill in the art. Further, this transformation is needed to provide a customer with a choice to select any one of the multiple telecommunications service providers available in the market. To further reinforce the motivation for having a multiple connection terminal block, the Applicant is respectfully directed either to the patent [US 6,477,248 B1] to Bruhnke et al [col. 1, lines 11-20], or to the patent [US 6,307,933 B1] to Stehlin et al [col. 2, lines 22-37]. In addition, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the APA has been modified to obtain the claimed invention.

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 3-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (APA) [Applicant's Fig. 1].

**Regarding claim 3**, the APA teaches a terminal block (100) for connecting a customer with a **single telecommunications service provider**, the block comprising:

a connection mechanism (100) which, when not disabled, connects the customer (i.e. **Tip 134, Ring 136**) to a service provider (i.e. **Tip 130 and Ring 132**);

a disabling mechanism for disabling the connection mechanism,

wherein the connection mechanism includes normally-closed contacts, **134, 136, 138, 140**, and the disabling mechanism includes one or more insulating plugs insertable into at least one of the normally-closed contacts, , so as to disable the connection mechanism [Applicant's Fig. 1; Specification, Pages 2-3].

Although this stand-alone connection mechanism (100) is for connecting a customer to a single service provider, this is nevertheless a teaching to one of ordinary skill in the art to apply the identical connection mechanism to connect the same customer to a second service provider also.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to repeat the single connection mechanism in series with the first connection mechanism to connect the customer to a second service provider so as to provide a customer with a choice to select any one of the telecommunications service providers available in the market.

**Claim 4** is essentially similar to claim 3 except for normally-closed contacts. The connection mechanism (100) comprises a first normally-closed contact 134 in series between a first terminal 102 and a second terminal 118, and a second normally-closed contact 136 in series between a third terminal 104 and a fourth terminal 120.

**Claim 25** is essentially similar to claim 3 and is rejected for the reasons stated above.

**Regarding claim 5**, as discussed above, the second connection mechanism is a copy of the first connection mechanism. The APA (Applicant's Fig. 1) further teaches how to connect any one of identical connection mechanisms to a customer premises. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to connect a customer to a second connection mechanism.

**Regarding claim 6**, the APA teaches a disabling mechanism including removable insulating plugs which are insertable into any of the normally-closed contacts 134, 136, 238 and 140 shown in Fig. 1 [Applicant's Spec. page 2].

**Regarding claim 7**, the APA teaches terminal block 100 wherein each of respective pairs of first and third terminals, (102), (104) of the first connection mechanism shown in Fig. 1, are connected to corresponding incoming twisted-pair telephone lines (Tip(130), Ring(132)) from a first telecommunications service provider [Fig. 1]. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to connect a second telecommunications service provider to a second connection mechanism similar to the first connection mechanism.

**Regarding claim 8**, the APA teaches a connection mechanism for a single service provider Fig. 1]. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to repeat the single connection mechanism in series with the first connection mechanism to connect the customer to a second service provider so as to provide a customer with a choice to select any one of the two telecommunications. When two identical connection mechanisms (100) are connected in series to connect two service providers, the limitations of claim 8 are met.

**Regarding claim 9**, the APA teaches the terminal block (100) wherein the outgoing twisted-pair telephone lines (i.e. **Tip (143), Ring(136)**) are routed to a customer premises [Fig. 1].

**Regarding claims 10 and 11**, the APA teaches the terminal block (100) wherein the outgoing twisted-pair telephone lines (i.e. **Tip (143), Ring(136)**) are routed to a customer premises through ancillary equipment (170) configured to provide a local loop [Fig. 1].

**Regarding claim 12**, the limitations have been discussed above (see claim 3).

**Regarding claim 13**, the configuration of the third and fourth connection mechanisms are similar to that of the first and second connection mechanisms as discussed above (see claim 3).

**Regarding claim 14**, the limitations have already shown above (see claim 4).

**Regarding claim 15**, the limitation has been discussed above (see claim 5).

**Regarding claim 16-22**, the limitations are shown above (see claims 8-11).

**Regarding claim 23**, the APA teaches a connection mechanism for connecting a single telecommunications service provider. This is nevertheless a teaching to one of ordinary skill in the art to apply the identical connection mechanism to connect the same customer to third and fourth service providers.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to apply the single connection mechanisms [APA: Fig. 1] to generate a new terminal block to accommodate two or more telecommunications service providers, and thereafter provide a selection combination using disabling mechanisms to select any one of the service providers subject to circuit, system and design constraints.

**Regarding claim 24**, the limitation has been shown above (see claim 6).

### ***Conclusion***

**4. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (703)308-6270. The examiner can normally be reached on M-F(8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Sinh can be reached on (703)-305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramnandan Singh  
Examiner  
Art Unit 2644



**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**